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UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
OFFICE OF THE SECRETARY
WASHINGTON, D.C.

ESTABLISHMENT OF SLOT EXEMPTION PROCEEDINGS
UNDER 49 U.S.C. §§ 41716, 41717, AND 41718

NOTICE

On April 5, 2000, President Clinton signed into law the "Wendell H. Ford Aviation Investment and Reform Act of the 21st Century" (the "AIR 21 Act"). Section 231 of the AIR 21 Act significantly amends 49 U.S.C. § 41714 and creates 49 U.S.C. §§ 41716, 41717, and 41718. These provisions set forth several new authorities for the grant of slot exemptions at New York's LaGuardia Airport and John F. Kennedy International Airport; Chicago's O'Hare International Airport; and Washington DC's Ronald Reagan National Airport. The AIR 21 Act also provides strict criteria for the grant of such awards, and schedules for the processing of slot exemption applications.

In order that the Department can address each application expeditiously, we find it appropriate to establish the following dockets for the processing of these various applications. Therefore, we direct applicants to file their slot exemption applications under 49 U.S.C. §§ 41716, 41717, and 41718 consistent with the dockets described below.

§ 41716(a), Interim slot rules at LaGuardia Airport
(exemptions for air service to small and nonhub
airports -- limited to aircraft with a seating capacity of
less than 71).

OST-2000-7175 - 7

§ 41716(b), Interim slot rules at LaGuardia Airport
(exemptions for new entrant and limited incumbent air
carriers).

OST-2000-7176 - 5

§ 41716(a), Interim slot rules at John F. Kennedy
International Airport (exemptions for air service to
small and nonhub airports -- limited to aircraft with a
seating capacity of less than 71).

OST-2000-7177 - /

§ 41716(b), Interim slot rules at John F. Kennedy
International Airport (exemptions for new entrant and
limited incumbent air carriers).

OST-2000-7178 - /

§ 41717(b), Interim application of slot rules at Chicago O'Hare International Airport (exemptions for air service to small and **nonhub** airports -- limited to aircraft with a seating capacity of less than 71).

OST-2000-7179 - 2

§ 41717(c), Interim application of slot rules at Chicago O'Hare International Airport (exemptions for new entrant and limited incumbent air carriers).

OST-2000-7180 -- 14

§ 41718(a), Special rules for Ronald Reagan Washington National Airport (beyond-perimeter exemptions, *i.e.*, service to another airport more than 1,250 miles away from Ronald Reagan Washington National Airport).

OST-2000-7181 - 5

§ 41718(b), Special rules for Ronald Reagan Washington National Airport (within-perimeter exemptions, *i.e.*, service to another airport 1,250 miles or less from Ronald Reagan Washington National Airport).

OST-2000-7182 - 3

We incorporate by reference the following requests. These applications were filed after the criteria in the AIR 21 Act were well known, or they have been appropriately amended, and they specifically address those criteria required for the grant of such awards.

1. American Airlines, Inc. , Docket OST-2000-7162, into Docket OST-2000-7181;
2. American Trans Air, Inc., Docket OST-2000-7114, into Docket OST-2000-7176;
3. America West Airlines, Inc., Docket OST-2000-7198, into Dockets OST-2000-7179 and OST-2000-7180;
4. Continental Express, Inc., Dockets OST-2000-7082 and OST-2000-7083, into Docket OST-2000-7175;
5. Delta Air Lines, Inc., Docket OST-2000-7118, into Docket OST-2000-7181;
6. Delta Connection Carriers (Comair/Atlantic Southeast/Atlantic Coast Jet), Docket OST-2000-7131, into Docket OST-2000-7175;
7. Legend Airlines, Inc. , Docket OST-2000-7134, into Dockets OST-2000-7176 and OST-2000-7180;
8. Midwest Express Airlines, Inc., Docket OST-2000-7187, into Docket OST-2000-7182;
9. Midwest Express Airlines, Inc., Docket OST-2000-7188, into Docket OST-2000-7176;
10. National Airlines, Inc., Docket OST-1999-5521, into Docket OST-2000-7180;
11. Shuttle America Corporation, Docket OST-2000-7172, into Docket OST-2000-7175; and
12. Vanguard Airlines, Inc. , Docket OST 2000-7155, into Docket OST-2000-7182.

However, the following slot exemption applications do not address the established criteria for the grant of such awards under the AIR 21 Act. Therefore, these parties should amend their applications to address the criteria mandated by the AIR 21 Act.

<u>Applicant</u>	<u>Docket</u>
Access Air	OST-99-5153 - 9
America West Airlines, Inc.	OST-2000-6957 - 5
American Eagle Airlines	OST-98-4647 - 29
American Trans Air, Inc.	OST-00-6731 - 3
Atlantic Coast Airlines	OST-98-3603 - 48
Chautauqua Airlines, Inc.	OST-98-4424 - 14
Colgan Air	OST-97-3086 - 28
Continental Airlines, Inc.	OST-2000-6996 - 5
Eastwind Airlines	OST-99-4979 - 19
Midway Airlines Corporation	OST-2000-6970 - 6
Pro Air, Inc.	OST-99-6683 - 13
Spirit Airlines, Inc.	OST-99-6547 - 21
Sun Country, Inc.	OST-2000-6838 - 7
Vanguard Airlines	OST-98-3550 - 8
Western Pacific	OST-95-277 - 25
Des Moines Int'l Airport/Midwest Express	OST-99-6654 - 9
Flint, Michigan	OST-98-4346 - 3
Greater Baton Rouge Airport District	OST-99-5532 - 69
Huntsville-Madison County Airport Authority	OST-99-5533 - 37
Communities of Savannah, GA and Hilton Head, SC. (Atlantic Coast Airlines)	OST-98-3603 - 48
Community of Sioux City, IA	OST-99-5475 - 17
Community of Shreveport, LA	OST-99-5614 - 240
Communities of the Virginia Peninsula	OST-98-4604 - 45

On this date, the Department also issued six orders that describe the statutory criteria (49 U.S.C. §§ 41716(a) and (b), and 41717(b) and (c)) for the grant slot-exemption requests at three of the four airports (**LaGuardia-JFK-O'Hare**) now subject to the provisions of the High Density Rule, 14 C.F.R. 93 Subparts K and S.

At Ronald Reagan Washington National Airport, the Secretary is directed to grant 12 beyond-perimeter exemptions, consistent with 49 U.S.C. § 41718(a); and 12 within-perimeter exemptions, consistent with 49 U.S.C. § 41718(b). These exemptions are also limited in certain respects under 49 U.S.C. § 41718(c)(1), (2), and (3).

Finally, **49 U.S.C. § 41718(d)(1)** provides that requests for exemptions under this section must be submitted to the Secretary not later than **May 5, 2000**. **49 U.S.C. § 41718(d)(2)** provides that comments with respect to any request for an exemption under this section must be submitted to the Secretary not later than **May 22, 2000**. **49 U.S.C. § 41718(d)(3)** provides that not **later than July 5, 2000**, the Secretary shall make a decision regarding whether to approve or deny any request that is submitted to the Secretary by **May 5, 2000**.

We shall serve this notice on all U.S. certificated air carriers, the City of Chicago, the Port Authority of New York and New Jersey, and the Metropolitan Washington Airports Authority.

By:

A. BRADLEY MIMS

Deputy Assistant Secretary for Aviation
and International Affairs

Dated: April 14, 2000

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http://dms.dot.gov/reports/reports_aviation.asp*